

REMARKS/ARGUMENTS

The present amendment is submitted in response to the final Office Action dated September 16, 2009, which set a three-month period for response. Filed herewith is a Request for a One-Month Extension of Time, making this amendment due by January 16, 2010.

Claims 25-45 are pending in the application.

In the final rejection, the Examiner objected to the drawings as not showing every feature of the invention as specified in the claims, specifically, the "double-rowed back-to-back arrangement of two seats". Claims 25 and 35 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 25, 26, and 28-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,868,143 to Reilly. Claim 27 was rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of GB 2,276,080 to Hansen. Claims 41, 42, 44, and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of U.S. Patent No. 2,829,702 to Keating. Claim 43 was rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Keating and Hansen.

Turning first to the objection to the drawings, filed herewith is amended Fig. 3 in which the second seat is shown in a "back-to-back" arrangement. No new matter has been added, since amended Fig. 3 only shows the second seat in addition to the already shown seat of Fig. 3.

Regarding the Examiner's objections under 35 U.S.C. 112, the Applicants believe that these objections were addressed in the last amendment. However, claims 25 and 35 were amended to separate the elements (or "wherein" clauses) by indentations for

the sake of clarity.

With regard to the objection to “within the pattern of the seats that are to be installed” as being unclear, the Applicants again note that “*the pattern* of the seats that are to be installed” means the position of the seats in the transport compartment, whereby such pattern or position of the seats can readily vary as desired. One of ordinary skill in the art would understand that the individual mesh frameworks 40 are to be installed in conformity with this pattern or position of the seats.

The Examiner's repeated objections to claim 35 are not understood. Claim 35 provides a seat “that is to be secured to said vertical straps of said mesh framework.” Furthermore, claim 35 clearly states that to support a seat pan 50, lateral support straps 51 are provided that laterally border the seat pan 50 and that are secured to the vertical straps 18. The following portion of claim 35 then precisely describes the course of these lateral support straps 51. In this regard, the Examiner's attention is also respectfully directed to Figs. 5, 6 and 7. In particular, claim 35 states that the portion 52 of the lateral support strap 51 extends from a lower securement location 64, at which the support strap 51, namely the portion 52 thereof, is secured to the vertical strap 18. Proceeding from the securement location 64, each support strap 51 extends, via the portion 52, along side edges of the seat pan 50 to front corners 54 of the seat pan. From the front corners 54, the lateral support straps 51 are, so to speak, deflected and follow a course inclined relative to a vertical axis, being guided back to the vertical straps 18 (via the portions 53 of the support straps 51); here the vertical support straps 51 are secured to the vertical straps 18 at the upper securement location 65. This portion of claim 35 defines a somewhat triangular course for each lateral support strap 51, and the two support straps 51, between which is disposed the seat pan 50, together

with the vertical straps 18 to which they are secured, form a strap structure in which the seat pan 50 can be folded or pivoted.

Again, the Examiner's attention is respectfully directed to Figs. 5-7. With regard to the Examiner's objection to "front corners", since a seat must have a front and a back, the Examiner's objection is not understood. The front corners 54, which can be seen in Fig. 5, are opposite from the rear end 55 of the seat pan 50 where the securement locations 64 are located.

Claim 25 remains rejected as obvious over the Reilly reference. Claim 25 clearly defines that a framework 40 comprised of textile straps is suspended in the transport chamber of a vehicle, whereby the frameworks are installed first independently of the individual seats 25 in the transport chamber. When the frameworks 40 are suspended, then the assembly/mounting of the seats 25 occurs; it does not depend on whether the seats are metal or made of textile. These **seats** 25 are only held by the **textile frameworks** 40 and have no connection themselves with the supporting parts of the vehicle.

Thus, the invention is not based on the production of a new seat, but instead a new idea for securing and mounting seats in the transport chamber of a vehicle, in particular an aircraft, whereby the textile frameworks can be installed at any positions of the transport chamber because a connection to the side walls of the vehicle is not necessary.

In spite of the above arguments presented by the Applicants, the Examiner maintains that the Reilly reference shows that the seats can be mounted all over the transport chamber (i.e., anywhere in the chamber), because the seats likewise have individual holding/retaining straps. The Applicants disagree with this interpretation.

In Reilly, the seats 10 with their suspension straps 21, 22 can only be suspended to the "overhead support 11", and this overhead support 11 is in turn supported by the supports/frames 14, 15, which are components of the side wall 18 (see column 2, lines 15-24 of Reilly). Reilly further discloses in column 2, lines 34-37, that the seats 10 are removable from the overhead support 11 in order to produce an access to a window or an emergency escape hatch in the side wall 18, for example. Thus, it follows that the seats can only be arranged always along the side wall 18 of the vehicle.

This disclosure in Reilly makes clear that the seats can be suspended only on the overhead support 11, and this overhead support 11 in Reilly is mounted exclusively along the side wall 18 via the supports 14, 15 provided there. In this connection, an arrangement of the seats "anywhere" in the transport chamber is not possible. If the seats were arranged in the center of the transport chamber in Reilly, the fixed supports 14, 15 as well as the transverse support 11 supported by these supports must also be arranged in the center. Since in Reilly, the supports 14, 15 are components of the side walls 18, the question would then arise as to how the then free-standing supports are to be secured or attached in the transport chamber. Reilly discloses nothing in this regard and in addition, the transport chamber would have to be equipped with fixed structures, which would be expensive to mount and disassemble.

The present invention is based on this important feature of avoiding the use of fixed structures with supports 14, 15 and transverse supports 11 and instead, provides textile frameworks, by means of which the seats are to be held in a simple manner. These textile frameworks can be mounted anywhere and all over the transport chamber, because it is only required that corresponding holding eyes are provided for attaching the textile straps of the frameworks to the floor and ceiling of the transport chamber.

These holding eyes can be added during the manufacture of the vehicle and do not interfere with the use of the vehicle without installed seats. In general, the textile frameworks also use little space and can be merely carried along during use of the vehicle without installed seats.

The Applicants further submit that in his second arguments, the Examiner does not sufficiently distinguish between the different components, because he compares the straps 21, 22 and 57, 47 of Reilly with the textile frameworks of the present invention. It also should be noted that in Reilly, the seat is braced further via fixed supports 63, 64 against the floor.

The holding straps 21, 22 as well as 57, 47 in Reilly do not correspond with the textile frameworks 40 of the present invention. Rather, the holding straps 21, 22 and 57, 47 in Reilly are components of the seat and serve for attaching it to the fixed support frame 11, 14, 15 as well as directly to the floor of the vehicle.

In contrast, with the present invention, the straps 15, 18, respectively, form the support frame for fixing the seat and are NOT components of the seat. In addition, each seat has additional tension belts, which, with the exception of the tension belt 29 (Fig.3) are not shown. With these tension belts, the seats are connected with the vertical belt 18 and the transverse/cross belt 15 of the framework 40 (page 16, first paragraph, of the present application). Since it is not an essential feature of the present invention in what manner the seats are attached to the textile support frame 40, 15, 18, this is not set forth further in the application. Rather, the invention is comprised of the embodiment of a textile support framework 40 with straps 15, 18 as a substitute for the fixed structures with supports 14, 15, 11 provided in Reilly.

There is furthermore no motivation or suggestion in Reilly to one of skill in the art to

eliminate the fixed and absolutely necessary components 14-17, 11 of Reilly for supporting the seat, and to then replace them with a mesh framework comprised of textile straps as defined in Applicant's claim 25.

In view of the foregoing discussion and the amendments to the claims, Applicant respectfully submits that claims 25-45 now clearly distinguish the present invention over the cited references. However, if the Examiner believes additional or clarifying claim language would be helpful, Applicant would very much welcome any suggestions. In addition, in an effort to resolve any outstanding issues, the undersigned would also very much welcome a telephone call from the Examiner in order to be able to expedite placement of the application into condition for allowance.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert W. Becker", with a stylized flourish at the end.

Robert W. Becker, Reg. No. 26,255
for Applicant(s)
ROBERT W. BECKER & ASSOCIATES
707 State Hwy. 333, Suite B
Tijeras, New Mexico 87059
Telephone: (505) 286-3511
Facsimile: (505) 286-3524

RWB:els